

By: Harris

S.B. No. 1704

A BILL TO BE ENTITLED

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AN ACT

relating to exempting expenditures for advertising from certain competitive bidding requirements for municipalities.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subsection (a), Section 252.022, Local Government Code, is amended to read as follows:

(a) This chapter does not apply to an expenditure for:

(1) a procurement made because of a public calamity that requires the immediate appropriation of money to relieve the necessity of the municipality's residents or to preserve the property of the municipality;

(2) a procurement necessary to preserve or protect the public health or safety of the municipality's residents;

(3) a procurement necessary because of unforeseen damage to public machinery, equipment, or other property;

(4) a procurement for personal, professional, or planning services;

(5) a procurement for work that is performed and paid for by the day as the work progresses;

(6) a purchase of land or a right-of-way;

(7) a procurement of items that are available from only one source, including:

(A) items that are available from only one source because of patents, copyrights, secret processes, or natural

1 monopolies;

2 (B) films, manuscripts, or books;

3 (C) gas, water, and other utility services;

4 (D) captive replacement parts or components for  
5 equipment;

6 (E) books, papers, and other library materials  
7 for a public library that are available only from the persons  
8 holding exclusive distribution rights to the materials; and

9 (F) management services provided by a nonprofit  
10 organization to a municipal museum, park, zoo, or other facility to  
11 which the organization has provided significant financial or other  
12 benefits;

13 (8) a purchase of rare books, papers, and other  
14 library materials for a public library;

15 (9) paving drainage, street widening, and other public  
16 improvements, or related matters, if at least one-third of the cost  
17 is to be paid by or through special assessments levied on property  
18 that will benefit from the improvements;

19 (10) a public improvement project, already in  
20 progress, authorized by the voters of the municipality, for which  
21 there is a deficiency of funds for completing the project in  
22 accordance with the plans and purposes authorized by the voters;

23 (11) a payment under a contract by which a developer  
24 participates in the construction of a public improvement as  
25 provided by Subchapter C, Chapter 212;

26 (12) personal property sold:

27 (A) at an auction by a state licensed auctioneer;

1 (B) at a going out of business sale held in  
2 compliance with Subchapter F, Chapter 17, Business & Commerce Code;

3 (C) by a political subdivision of this state, a  
4 state agency of this state, or an entity of the federal government;  
5 or

6 (D) under an interlocal contract for cooperative  
7 purchasing administered by a regional planning commission  
8 established under Chapter 391;

9 (13) services performed by blind or severely disabled  
10 persons;

11 (14) goods purchased by a municipality for subsequent  
12 retail sale by the municipality; [~~or~~]

13 (15) electricity; or

14 (16) advertising, other than legal notices.

15 SECTION 2. This Act takes effect September 1, 2007.